United Nations A/HRC/31/62/Add.2

General Assembly

Distr.: General
2 February 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the rights of persons with disabilities on her mission to the Republic of Moldova

Note by the Secretariat

In the present report, the Special Rapporteur on the rights of persons with disabilities explores issues relating to the rights of persons with disabilities in the Republic of Moldova in the light of international human rights norms and standards, in particular the Convention on the Rights of Persons with Disabilities. On the basis of information gathered prior to and during the visit, the Special Rapporteur highlights the encouraging steps taken to advance the rights of persons with disabilities and to bring the national legal and policy framework into compliance with the Convention, as well as the challenges that remain. Lastly, the Special Rapporteur makes recommendations with a view to strengthening efforts to address the implementation gap remaining to ensure the protection, respect and fulfilment of the rights of persons with disabilities, and their full and equal participation in society.

GE.16-01391(E)

Please recycle

Report of the Special Rapporteur on the rights of persons with disabilities on her mission to Moldova*

Contents

		Page
I.	Introduction	3
II.	Background	4
	A. General context	4
	B. Disability prevalence	4
III.	Legal and institutional framework	5
	A. Legal framework	5
	B. Institutional framework	5
IV.	Main challenges	6
	A. Stigmatization and exclusion of persons with disabilities	6
	B. Economic challenges	7
	C. Ineffective and inequitable certification of disability	8
	D. Lack of accessibility	9
V.	Human rights of persons with disabilities	10
	A. Inclusive education	10
	B. Participation	10
	C. Multiple and intersectional forms of discrimination	11
	D. Legal capacity	12
	E. Right to social protection, to live independently and to be included in the community	13
	F. Deprivation of liberty on the basis of disability, and forced treatment of persons with disabilities	14
	G. Access to justice	15
VI.	Transnistrian region of the Republic of Moldova	16
VII.	Conclusions and recommendations	16
	A. Conclusions	16
	B. Recommendations	17

* Circulated in the language of submission and in Russian only.

I. Introduction

1. Pursuant to Human Rights Council resolution 26/20, and at the invitation of the Government, the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas-Aguilar, undertook a visit to the Republic of Moldova from 10 to 17 September 2015. During the visit, the first of her mandate, the Special Rapporteur collected first-hand information on the situation of persons with disabilities in the country. Her meetings with national stakeholders allowed her both to identify the challenges that persons with disabilities face in enjoying their human rights on an equal basis with others and to make recommendations for the Government on how to improve the situation.

2. During her visit, the Special Rapporteur met with a range of government representatives, including the Deputy Minister for Foreign Affairs and European Integration; the Deputy Minister for Labour, Social Protection and Family; the Minister for Education; the Deputy Minister of Justice; the Chair of the Supreme Court of Justice; the State Chancellor; the Deputy Prime Minister; the Deputy Speaker of Parliament; the head of the Architecture, Construction and Housing Department of the Ministry of Regional Development and Constructions; the head of the Health Care and Social Protection Department at the Ministry of Finance; the head of the In-patient and Hospital Medical Care at the Ministry of Health; and representatives of the National Bureau of Statistics. She also met with the deputy chairpersons of the parliamentary committees for human rights and inter-ethnic relations, and for social protection, health and family. She met with members of the de facto authorities of the Transnistria autonomous territorial unit with special legal status, namely the de facto Deputy Minister for Foreign Affairs and for Health.

3. The Special Rapporteur also met with the People's Advocate (the national human rights institution), the institutional ombudsperson on psychiatric hospitals, representatives of the Council for Preventing and Combating Discrimination and Ensuring Equality, the head of the Republican Centre for Psycho-pedagogical Assistance, the Congress of Local Authorities from Moldova, the Central Electoral Commission, and with development cooperation partners. The Special Rapporteur also met with organizations of persons with disabilities and other civil society organizations.

4. In addition, the Special Rapporteur met directly with a number of institutions. In the municipality of Balti, she visited the department of social assistance and a supportive housing facility. Furthermore, she visited the Costiujeni Chisinau psychiatric hospital, the Orhei residential institution for boys and young men, and the Balti neuro-psychiatric residential institution. In the Transnistria region, the Special Rapporteur visited the Vyhvatintsi psychiatric hospital, a residential institution in Tiraspol and a rehabilitation centre for children with disabilities.

5. The Special Rapporteur thanks the Government of the Republic of Moldova for its cooperation during her visit. She appreciated the spirit of openness and collaboration shown, which enabled her to engage in a constructive dialogue with the authorities. She also thanks the de facto authorities in Transnistria for their cooperation. In addition, the Special Rapporteur is grateful to the Office of the United Nations Resident Coordinator for its support and assistance, especially the National Human Rights Coordinator, as delegated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). She further notes the engagement of the United Nations country team in the Republic of Moldova, including as a result of its collaboration with the United Nations Partnership to Promote the Rights of Persons with Disabilities. She expresses her sincere gratitude to all those who met with her, in particular persons with disabilities, their families and their representative organizations, who shared their stories and the challenges that they experience in their daily lives.

II. Background

A. General context

6. The Republic of Moldova is a European lower middle-income State that declared independence in 1991. Although not a member of the European Union, it is party to a number agreements and cooperation mechanisms with the regional body, including an association agreement ratified in 2014. The country is working towards democracy, the rule of law and respect for human rights, and has ratified most core human rights treaties. It has not, however, signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. It has also not ratified or acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. Despite periods of economic growth, the Republic of Moldova remains one of the poorest countries in Europe. Deeply interlinked with the economic problems facing the Republic of Moldova, the country also faces significant political instability. Since September 2009, the country has almost continuously prepared for new elections and the Government has changed five times. Shortly after the conclusion of the visit, a former Prime Minister was arrested on corruption charges. Against this context, the political situation remains highly unstable.

B. Disability prevalence

8. As recognized by both the Committee on Economic, Social and Cultural Rights (E/C.12/MDA/CO/2, para. 6) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/MDA/CO/4-5, para. 37), there is a lack of disaggregated data relating to persons with disabilities in the Republic of Moldova. The only data available refer to sex and age based on the administrative records of the National Insurance House. Owing to the lack of data, the total number of persons with disabilities in the country is unclear, and there is a limited understanding of their socioeconomic situation, employment status, specific conditions, family context and place of residence, as well as of the barriers they face in society.

9. According to the annual social report for 2014 of the Ministry of Labour, Social Protection and Family, in 2014 the number of persons with disabilities in possession of a disability certificate amounted to 5.2 per cent of the total population (183,953), while children with disabilities with such a certificate represented 1.8 per cent of all children (13,446). The percentage of persons with disabilities in the Republic of Moldova is, however, probably much higher, since disability certificates are only issued to individuals who have undergone a medical assessment (see paras. 24-27 below). The Special Rapporteur noted during her visit that the population census of 2014 included for the first time a short set of questions designed by the Washington Group on Disability Statistics; the results are, however, not yet available owing to a lack of resources within the National Bureau of Statistics to process the data.

III. Legal and institutional framework

A. Legal framework

10. The Republic of Moldova ratified the Convention on the Rights of Persons with Disabilities in 2010, but as at the time of the visit of the Special Rapporteur had yet to ratify the Optional Protocol thereto. The Special Rapporteur notes that, since her visit, the Government has begun to work with the United Nations Development Programme on a feasibility study on the ratification of the Optional Protocol. She hopes that the process leads to ratification in 2016, as planned. Following ratification of the Convention, specific progress in developing legislation relating to disability has been amended broadly in accordance with its provisions. In 2012, the Parliament adopted Law No. 60 on the Social Inclusion of Persons with Disabilities and Law No. 121 on Ensuring Equality. These provisions considerably strengthen the legal framework protecting the rights of persons with disabilities through, inter alia, the recognition that denial of reasonable accommodation is a form of discrimination.

11. Although the legal framework has been strengthened, however, the country has yet to undertake a comprehensive review of its national legal framework to harmonize it fully with the provisions within the Convention. As a starting point, as proposed by the People's Advocate (human rights ombudsman) himself, the Constitution of the Republic of Moldova should be amended to bring it into full compliance with the State's international human rights obligations, including those set out in the Convention. Article 51 of the Constitution, on the protection of persons with disabilities, reflects an outdated approach to disability and directly contravenes the provisions of the Convention by allowing for exceptions to the prohibition of force in medical treatment for persons with disabilities. In addition, the Constitution currently does not include disability as grounds for discrimination, even though the law on Ensuring Equality specifically includes it as such.

12. Also with regard to the legal framework, the Special Rapporteur notes that, on 7 May 2015, the Parliament of the Republic of Moldova voted on law No. 87, which recognizes the right of persons under guardianship to vote and allows them to challenge decisions on their incapacitation in court. Later in the legislative process, however, the President, referring to an incorrect translation in Romanian of article 12 of the Convention, withheld approval of the legislation and returned it to Parliament for revision. The Special Rapporteur is concerned about the significant delays in the legislative process relating to the law, as well as at the erroneous translation and interpretation of article 12 of the Convention in the Romanian text, which contradicts the spirit and objectives of the treaty.

B. Institutional framework

13. The institutional framework of the Republic of Moldova has been shaped by an outdated social protection system, and shares its traditional disability-welfare approach, which is rooted in the medical model of disability. The framework is therefore strongly biased against institutionalization and offers limited oversight of institutions and a lack of community-based services. Some positive steps have been taken to move away from institutionalization and to invest in community-based services, including the development of inclusive education systems, and some protected housing and personal assistance programmes. The Ministry for Labour, Social Protection and Family has a prominent role in transforming the current system of institutions and social benefits for persons with disabilities, to promote their independence, participation and autonomy. In order to move

the agenda forward in a sustainable way, however, strong intergovernmental collaboration is vital, including active engagement of the Ministry of Health and the Ministry of Finance.

14. The Special Rapporteur also noted that the Republic of Moldova, by means of the 2003 Law on Local Public Finances and subsequent amendments thereto, the Law on Regional Development, the National Strategy for Regional Development and the 2012 National Decentralization Strategy, has embarked on a process of decentralization of responsibilities for the establishment and financing of community services for persons with disabilities to the local level. The Special Rapporteur was nevertheless informed that the financial arrangements that need to be in place for social services from 2016, when responsibility will be fully delegated to local authorities, had not yet been clarified. The local authorities have to date provided services for persons with disabilities, while the central Government provided financial support in the event of a deficit. Whether this support for local authorities will continue in future remains to be seen.

15. Another positive change to the institutional framework is the recently established Council for Preventing and Combating Discrimination and Ensuring Equality. The Council, pursuant to the law on ensuring equality, has prioritized efforts to combat discrimination on the basis of disability. The work of the Council should be strengthened and fostered by a stronger legal framework, in particular because the Council lacks sanctioning powers; furthermore, many of its decisions have been challenged and overturned in court, including a number of decisions relating to discrimination on the grounds of disability. Sanctions applied by courts or other entities are generally small monetary fines that are insufficient to dissuade discrimination.

16. The Special Rapporteur commends the establishment of the Council on the Rights of Persons with Disabilities as a consultative body chaired by the Deputy Prime Minister for social protection issues. She notes with concern, however, the low level of support for its mandate, as well the lack of direct participation of representative organizations of persons with disabilities. The Special Rapporteur was also informed that the Council had recently not held many meetings, had no functioning secretariat and that some previous meetings had been conducted in an improvised manner. The Republic of Moldova should, in accordance with article 33 of the Convention, strengthen the Council, including by facilitating the appointment of focal points within all governmental entities and the sustained participation of persons with disabilities and their representative organizations, and also ensure an independent monitoring mechanism of the Convention in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

17. Following Ministry of Health decision No. 384 in 2012, the Independent Service for Defending the Rights of Persons in Psychiatric Institutions became operational in 2014. The establishment of this ombudsman is another positive step, even though the Special Rapporteur is concerned about the sustainability of the position. The Special Rapporteur is also troubled by reports of sustained difficulties in implementing an independent national preventive mechanism, as required by the Optional Protocol to the Convention against Torture; she therefore urges the Government to prioritize its implementation and effective operation.

IV. Main challenges

A. Stigmatization and exclusion of persons with disabilities

18. Negative and stereotyped perceptions of persons with disabilities and their potential to contribute as citizens permeate every facet of Moldovan society, and present a cross-

cutting challenge to the promotion and protection of the rights of persons with disabilities. A geographically and culturally specific interpretation of the medical model of disability, sometimes referred to as the "defectology" approach, has contributed to the widespread perception of persons with disabilities as "abnormal", as distinct from "healthy" persons. Owing to the persistent influence of this approach and the general lack of awareness about disability, persons with disabilities can experience feelings of deep stigma and be subject discriminatory attitudes in their everyday lives.

19. The pervasive influence of this stigma and the prejudiced perception of persons with disabilities even permeate legal and policy development mechanisms, resulting in State policies often framed within the outdated medical model. Although the Special Rapporteur received reports of a slight change in public perceptions and a certain shift policy away from the current medical model of disability, persons with disabilities are still mostly perceived as being devoid of agency, unable to make a positive contribution to society and best accommodated in social-care systems segregated from society at large. The persistence of this outdated view in policymaking and social protection provisions has imposed limits on the autonomy of persons with disability, including the freedom to exercise choice and to participate in public decision-making processes in a way that respects their right to equality with other members of society.

20. The stigmatization and exclusion of persons with disabilities includes children with disabilities, and affect their ability to enjoy their human rights. Children with disabilities are often perceived as being abnormal or unhealthy, and are reportedly at times seen as a burden to their family. These stigmatizing views are interlinked with and are mutually reinforced by a lack of community support services that cater to their needs. The lack of such services limits the opportunities of children with disabilities to interact in society and thus to challenge stereotypes and stigma. Furthermore, societal stigma and the lack of support services are reportedly often behind the decision of parents to have their child interned in an institution, given that other options are not available to them.

21. The entrenched negative perceptions about persons with disabilities will not change until the public authorities decide to undertake concrete and specific actions. The Government should invest in assertive public campaigns with a human rights-based approach to disability. Initiatives of this type should include engagement with the media on the issue of disability, including guidance on how to depict persons with disability in a way that is consistent with a human rights-based approach. The Government should also monitor the media and ensure that effective sanctions are in place and enforced if any form of media promotes discriminatory messages relating to persons with disabilities.

B. Economic challenges

22. The Republic of Moldova is currently facing a complex and interrelated range of economic and financial challenges. During her visit, many interlocutors of the Special Rapporteur expressed concern about the likely detrimental impact of the financial crisis and deteriorating economic situation in the Republic of Moldova on the rights of persons with disabilities, particularly if the significant fiscal restraints faced by the Government translate into cuts to public services. The Special Rapporteur also received worrying reports that progress relating to the State party's commendable efforts to move away from the medical model of disability and institutionalized care, were stalling because of economic and political instability. In the light of the current economic difficulties, the Special Rapporteur is also concerned about the impact of the deteriorating economic situation on individual households with persons with disabilities. As members of one of the most marginalized groups in the Republic of Moldova, persons with disabilities are overrepresented among those who experience economic hardship and therefore highly vulnerable to the potential

effects of a recession, such as increased unemployment, concurrent consumer price increases and wage stagnation. While recognizing the constraints on resources that the State currently faces, the Special Rapporteur reminds the Republic of Moldova that it is essential to ensure the consistent fulfilment of the rights of persons with disabilities, particularly in times of crisis. She urges the Government to prioritize the development of well-designed, disability-specific programmes, and the mainstreaming of disability within public services in general, regardless of the economic challenges. This should include facilitating access to health care and education, and to support services, and the further integration of persons with disabilities into the employment market and society in general. This would not only protect the rights of persons with disabilities but also eventually greatly improve overall economic efficiency, by reducing public spending on institutions and helping persons with disabilities to contribute further to the economy.

23. In times of national economic recession, the role of international cooperation and support becomes an increasingly important one. While some internationally funded projects are in place in the Republic of Moldova, they tend to be specific to a particular sector, with little coordination among donors. The Special Rapporteur notes the decision of the World Bank, the International Monetary Fund and the European Union to suspend funding to the Republic of Moldova. She urges these organizations to put the human rights of all citizens, including persons with disabilities, at the centre of efforts to improve the financial and economic situation of the country.

C. Ineffective and inequitable certification of disability

24. The disability certification process acts as a gateway to services and forms the basis of much of the current statistical monitoring system. It also contributes to public perceptions of disability; representatives of the National Statistics Bureau in fact reported that a person was not regarded as having a disability unless the person had received certification. Pursuant to government decision No. 65 on the determination of disability and working capacity of 23 January 2013, considerable investments have been made to reform the Republican Council for Medical Examinations, now called the National Council for the Determination of Disability and Work Capacity. Such changes entailed a reform of disability criteria and the inclusion of expert professionals, such as social workers and psychologists, in the process. Nonetheless, the determination of disability is still broadly founded on the medical approach and the assumption that an individual's social potential and ability to be a productive member of society is correlated with her or his health. According to criteria based upon this approach, a person is categorized as having a "slight", "moderate" or "severe" disability and is issued a certificate of disability.

25. A disability determination process that is based solely on an arbitrary medical determination is discriminatory, ineffective and sets significant limitations on a person's life. The certification system does not allow persons with disabilities to have access to social services that help them to cope with their condition and to fulfil their potential in their contribution to society. Persons categorized with a "slight" disability tend not to be entitled to the support services necessary to facilitate their access to education, health care, meaningful employment and/or career advancement. Those classified as having a "severe" disability are at risk of being stripped of their autonomy; indeed, the Special Rapporteur received reports such persons were at risk of being placed in institutions, discouraged from joining the education system and/or engaging in income-generating activities or undertaking work. Depriving disabled persons of the opportunity to contribute to society contravenes the principles of independence, choice and control that are central to a human rights-based approach to disability.

26. The Special Rapporteur received information that suggested the disability certification system in the Republic of Moldova is costly and administratively complex. She also heard allegations of cases of corruption and discriminatory practices within the system. It was alleged that those who sought to obtain the certificate were asked to pay bribes and/or additional unjustified fees, and that certain groups, such as Roma, were refused access to the certification process altogether. Such practices are counter to a human rights-based approach and are likely to exclude persons with disabilities from the social protection system, given that an inability to pay such costs and fees would create significant inequity.

27. The Special Rapporteur notes that, following her visit, the State party has expressed its intention to undertake a comprehensive revision of the disability certification process. She notes the Government's commitment thereto and encourages it to ensure timely and effective implementation of such a reform. The Special Rapporteur has already provided the Government with information on United Nations agencies that could assist in such efforts.

D. Lack of accessibility

28. Accessibility is an important aspect of the inclusion of persons with disabilities, allowing them to fulfil their potential to contribute to society. Overall, the legal and policy frameworks relating to physical accessibility in the Republic of Moldova are weak or not appropriately implemented. The guarantees of accessibility provided by Law No. 121 on Ensuring Equality and Law No. 60 on the Social Inclusion of Persons with Disabilities of 2012 have not been translated into the overall national legislative framework, nor incorporated into the relevant codes on urbanism, construction, transportation and public services. Furthermore, government decision No. 599 and the relevant plan of action on accessibility lack implementation and coordination mechanisms and have not been effectively implemented.

29. While in the Republic of Moldova, the Special Rapporteur observed a general, severe lack of accessibility in the physical environment and transportation, a situation that does not appear to have improved since the Special Rapporteur on Disability of the Commission for Social Development raised a similar concern in 2013. Chisinau, where most sidewalks, official buildings and other public places lack even the most basic accessibility measures, such as ramps, is almost entirely inaccessible for wheelchair users. Owing to the lack of accessibility to buildings and infrastructure, many of the meetings of the Special Rapporteur with government officials and other actors had to be held on the premises of the United Nations. Public transport and taxis are also generally not accessible. The Special Rapporteur received reports that public funds designed to improve accessibility were not used for that purpose, in spite of the accessibility requirement recently introduced for all public procurement processes for transportation and street maintenance.

30. The Special Rapporteur is also greatly concerned about the lack of evidence of other forms of accessibility provisions in the Republic of Moldova. She did not receive information about the use of technology or accessible formats to provide persons with disabilities with access to information and communication, nor about the use of augmentative and alternative formats of communication. For example, there is no nationally recognized sign language and there are only nine sign language interpreters registered in the whole country; no public services are therefore available for deaf persons in sign language.

31. The lack of accessibility provisions observed by the Special Rapporteur poses a significant cross-cutting challenge that has an impact on every facet of the lives of persons with disabilities. The Government must take decisive action on this issue, through both the integration of accessibility throughout all facets of public life, thus setting a positive

example, and the development and implementation of the law to ensure that relevant private actors uphold the highest standards of accessibility. The Special Rapporteur notes that, since her visit, the Republic of Moldova has expressed a normative commitment to tackling this issue by drafting a planning and construction code, aimed at ensuring access to persons with disabilities to socioeconomic and cultural infrastructure. She remains nonetheless concerned about whether there are mechanisms in place to ensure that the code will be effectively implemented.

V. Human rights of persons with disabilities

A. Inclusive education

32. The right of persons with disabilities to education and the duty of State parties to develop inclusive education at all levels is established by article 24 of the Convention on the Rights of Persons with Disabilities. The Special Rapporteur commends the Government for its progressive work to ensure inclusive education for children with disabilities. According to the Code on Education of 2014, every person, regardless of his or her disability, has the right to choose an inclusive education at all levels and in all public and private educational settings. Furthermore, the development programme of inclusive education in the Republic of Moldova for the period 2011-2020, approved by government decision No. 523 of 11 July 2011, envisages conditions for the inclusion of deinstitutionalized children from residential institutions and children with special educational needs in general education institutions.

33. The quota of 15 per cent has been set for persons with disabilities in professional schools and universities. The Ministry of Education has developed an inclusive curriculum framework and individual education plans have been adapted, by a multidisciplinary team, to the learning requirements of students assessed as having special needs,. The Ministry has also regulated certain minimum support services, and redirected funds previously allocated to residential institutions to inclusive education services. The Special Rapporteur notes the development of individual learning plans, and the investments made in support staff with the role of promoting inclusion and continuous training of teachers and other educational professionals to enable them to work effectively in inclusive settings. In a relatively short period of time, the country has established a framework for inclusive education that, with its clear funding structure, coordination and accountability between central and local levels of administration, deserves recognition.

34. While the Special Rapporteur commends the Republic of Moldova for these efforts, a number of barriers to the fulfilment of the right of persons with disabilities to education still persist. They include discriminatory provisions in the Code on Education that still allow for segregated schooling; the potential misuse of "home schooling" for children with disabilities, which may result in their segregation or exclusion from regular classrooms; and the administrative barriers faced by children with disabilities when registering in final examinations. The Government should therefore make a greater effort to provide high-quality bilingual education in sign language and writing for deaf children, to ensure education for children with disabilities up until the age of 3 years, and to guarantee the physical accessibility of all educational settings.

B. Participation

35. According to article 29 of the Convention, persons with disabilities have the right to participate in political and public life, and Governments are required to ensure the

accessibility of all voting procedures, facilities and materials. During the 2014 parliamentary elections in the Republic of Moldova, the Central Electoral Commission piloted a number of measures to make voting procedures accessible to persons with disabilities, for instance through the installation of ramps at polling stations, the availability of Braille ballots and the employment of persons with disabilities as members of election monitoring teams. Support was also provided to make general local elections accessible to persons with disabilities, such as the installation of private voting booths. The Special Rapporteur welcomes these initiatives and encourages the Government to implement measures to make polling stations and voting procedures accessible during all types of elections, given that these measures constitute a prerequisite for persons with disabilities when exercising their right to vote. Greater efforts are however required to ensure that persons with intellectual and psychosocial disabilities enjoy the right to vote and to be elected, as part of broader efforts to recognize the legal capacity of persons with disabilities.

36. According to article 4.3 of the Convention, Governments have a general obligation to consult with and involve persons with disabilities in the development of legislation and policy. While the Special Rapporteur acknowledges the efforts reported by the Government to engage with civil society groups and persons with disabilities on legislative developments, during her country visit she observed little clear evidence that organizations representative of persons with disabilities were consulted or meaningfully engaged in public decision-making processes. In fact, she noted a general lack of direct participation of persons with disabilities in civil society activities. For instance, in her meeting with representatives of civil society organizations, only four of 36 people were persons with disabilities. Although the Special Rapporteur acknowledges the efforts made by non-governmental organizations and parents of persons with disabilities to promote the rights of persons with disabilities, the absence of these persons in law- and policy-making undermines their right to participate in public and political life and reinforces their image as passive members of society. The Republic of Moldova should create an enabling environment for the establishment and operation of organizations representative of persons with disabilities, and ensure their consultation and active participation in the development and implementation of legislation and policies that directly or indirectly concern them.

C. Multiple and intersectional forms of discrimination

37. Many persons with disabilities in the Republic of Moldova face multiple forms of discrimination because of their sex, age, type of impairment, ethnic origin or other factors. Throughout her visit, the Special Rapporteur received several reports of cases of multiple or aggravated forms of discrimination. They tended to be of a systematic nature, with certain groups of persons with disabilities enduring human rights abuses on a daily basis.

38. The Special Rapporteur is concerned at the intersecting forms of discrimination faced by women with disabilities in the Republic of Moldova. Gender is an additional source of vulnerability and discrimination among persons with disabilities. During her visit, the Special Rapporteur received alarming reports of sexual violence and abuse of the sexual and reproductive rights of women with disabilities residing in institutions.

39. Certain types of impairment can also be a source of discrimination in the Republic of Moldova. Persons with psychosocial or intellectual disabilities and persons who are deafblind or have multiple disabilities face different forms of discrimination. Owing to a deeply rooted social stigma that sees these persons as either sick or misfits, institutionalization has been the standard response when dealing with them. Persons with such disabilities can face deep and multi-faceted discrimination in their everyday lives. Deaf persons also face significant barriers to their inclusion. As discussed above, sign

language has not been adequately developed in the country, a fact that hampers the access of deaf children to bilingual education in sign language. Hardly any public services or information are provided in sign language. These barriers force deaf persons to live in complete isolation from the rest of society.

40. Another basis for intersecting discrimination is ethnicity. The Special Rapporteur met with representatives of non-governmental organizations focusing on Roma issues who described the Government's lack of attention to the Roma, who may face multiple or aggravated forms of discrimination. The Special Rapporteur was informed that a disproportionately large number of Roma children with disabilities live in extreme poverty and exclusion. She was also alarmed by allegations that Roma persons with disabilities are at a high risk of human trafficking for begging purposes. The Special Rapporteur welcomes the establishment of a network of Roma community mediators, and acknowledges their important role in guiding Roma persons with disabilities through the social protection framework and facilitating their access to basic social protection, education and health services. She was concerned, however, by reports that, in the context of the financial decentralization of community services for persons with disabilities, some local authorities have resisted engaging with the mediators or refused to renew their contracts in 2015. She hopes that the new national Roma plan of action for 2016-2020 that is being developed by the Government will take into account ways to ensure the enjoyment of human rights for Roma persons with disabilities.

D. Legal capacity

41. In the Republic of Moldova, approximately 4,000 persons with disabilities are deprived of their legal capacity.[1] According to article 24 (1) of the Civil Code, adults with disabilities may be declared incapable of exercising legal capacity on the basis of a "mental disorder (mental illness or intellectual impairment)". Persons with disabilities who have been incapacitated are automatically deprived of all other fundamental human rights. Persons declared incapacitated are placed under guardianship, whereby a designated legal guardian is entitled to make all decisions on their behalf. The Code of Civil Procedure does not provide persons with disabilities a legal procedure to appeal or to review the incapacitation measure, and does not recognize the legal standing of persons under guardianship.

42. The Special Rapporteur is aware of efforts to reform the system of guardianship and legal capacity initially led by an interministerial working group, which in 2014 adopted a draft proposal for reform abolishing plenary guardianship and introducing provisions for supported decision-making. If adopted as proposed by the working group, it would put the State on track with regard to reforms based on article 12 of the Convention on the Rights of Persons with Disabilities. The proposal has not, however, been forwarded for a decision by the Government, given that as an alternative proposal is being drafted under the auspices of the Ministry of Justice. The Special Rapporteur has been invited by the Ministry to support the process of legal harmonization and will be glad to support this process to the extent of her resources.

43. The Special Rapporteur notes with satisfaction that the Supreme Court of Justice of the Republic of Moldova ruled in November 2015 that persons with intellectual and

[1] See *The Human Rights of Persons with Mental or Intellectual Impairments in the Republic of Moldova: An Assessment of Key Aspects of the Domestic Law and Policy Framework in Light of the UN Convention on the Rights of Persons with Disabilities*, United Nations Partnership on the Rights of Persons with Disabilities, Chisinau, 2015.

psychosocial disabilities have the right to seek recourse to *patronaj*,[2] provided for in article 48 of the Civil Code, as a measure of support in exercising their legal capacity. She encourages the State to further strengthen the institution of *patronaj* and to promote the use of these arrangements as an alternative way to support the exercise of legal capacity by persons with disabilities.

E. Right to social protection, to live independently and to be included in the community

44. The Republic of Moldova invests around 1.4 billion Leu ($70 million) in its social protection system to support persons with disabilities. The system includes a network of residential institutions; social benefits for persons with disabilities, including disability pensions, State social allowances, State financial support, compensation for urban, suburban and interurban transport, annual compensation for transport, and social and welfare aid for the winter months; and education for children and young persons with disabilities.

45. While the efforts made by the Government to implement a social protection system should be welcomed, its approach remains anchored in traditional disability-welfare considerations that regard persons with disabilities as being unable to work, live independently or participate in society. Most social benefits available for persons with disabilities depend on the person obtaining a certificate of disability that classifies the person on the basis of the perceived degree of his or her disability, making the person feel disempowered and even more dependent on others.

46. The Government of the Republic of Moldova has initiated a process of deinstitutionalization and has piloted some commendable initiatives for providing personal assistance and protected housing arrangements (see para. 13 above). The Special Rapporteur visited an assisted housing facility currently being piloted in the municipality of Balti and met with its inhabitants, two of whom had previously been institutionalized. The inhabitants were very satisfied with the social housing programme, which allowed them to live freely and to make decisions concerning their lives. The Special Rapporteur is also aware of 123 children and adults reportedly having been deinstitutionalized from a boarding house in Orhei on the basis of a joint project between the Government and a non-governmental organization, Keystone Moldova. Despite these efforts, the Special Rapporteur remains concerned at the limited scope of such provisions; for example, 17,000 requests for personal assistance or community support services have been submitted but only 8 per cent of them have been accepted. Most applications are rejected, reportedly for lack of public funding. The Government does, however, spend a significant amount of funds on institutionally based services that could be re-directed towards community-based social protection.

47. In the above context, institutionalization in psychoneurological residential institutions (*internats*) and psychiatric facilities remains a major challenge in the Republic of Moldova. Urgent action should be taken to put an immediate end to these practices, which violate the fundamental rights of persons with disabilities. The Special Rapporteur strongly encourages the State to reallocate existing resources for residential institutions to finance the provision of personal assistants and community services, including housing arrangements that would facilitate the independence and active participation of persons with disabilities in their communities. The Government should draft a concrete transition

[2] An arrangement by which a person with disabilities who has full legal capacity but is unable to exercise it for health reasons may delegate this authority to a person of her or his choice.

plan with a clear, short deadline for closing all remaining institutions and that explains the responsibilities of both central and local authorities in providing community-based services that meet the needs of all persons with disabilities. The plan should also envisage appropriate levels of funding for its implementation without delay. The Special Rapporteur received information according to which, following the recommendations made in the end of her mission statement, the Ministry of Labour, Social Protection and Family announced a moratorium on new admissions of both adults and children to institutions. The Special Rapporteur welcomes this step and would like to learn more about its implementation in order to help to ensure it that effectively ends all forms of institutionalization.

F. Deprivation of liberty on the basis of disability, and forced treatment of persons with disabilities

48. During her mission, the Special Rapporteur paid special attention to the situation of persons with disabilities living in institutions, including psychoneurological residential institutions and psychiatric hospitals. Persons with disabilities in these institutions are arbitrarily deprived of their liberty for lengthy periods of time, sometimes for their entire life, on the basis of an actual or perceived disability. It is of grave concern that legislation, including but not limited to the 1997 law on mental health, the 2002 Civil Code, the 2003 Code on Civil Procedure, the 2002 Criminal Code and the 2003 Code of Criminal Procedure, legitimates this treatment through provisions that allow for forced detention of and the non-consensual administration of psychiatric treatment to persons with disabilities on the grounds of mental or intellectual impairment. The Special Rapporteur is also deeply concerned about the treatment of persons with disabilities, including women and children, in such institutions. She received shocking reports of ill-treatment, violence, including sexual and gender-based violence, perpetrated by staff members, neglect, restraint, forced medication and seclusion. She was also informed of such practices as the administration of chemical and physical restraints and the use of solitary confinement as a form of control or medical treatment. Such practices violate the right of persons with disabilities to freedom from torture and other cruel, inhuman or degrading treatment or punishment.

49. During a visit to the Chisinau psychiatric hospital, the Special Rapporteur met several persons who had been involuntarily admitted and were medicated for long periods of time against their will. In addition, when visiting the Balti neuropsychiatric institution for adults with disabilities, the Special Rapporteur received several alarming reports of violence, including sexual violence, perpetrated by caregivers, health professionals, other staff members and residents of the institution. Despite the fact that the Balti institution formally falls outside the mental health system, its residents are also permanently exposed to forced psychiatric treatment.

50. The situation in the Balti institution highlighted the extreme vulnerability of and discrimination faced by women with disabilities in the Republic of Moldova, and how they can lead to the commission of horrific acts of violence. Women in the institution had allegedly been subjected to shocking practices such as rape, forced contraceptive measures, forced abortion and deprivation of reproductive rights. The Special Rapporteur is alarmed that some of these practices are permitted by the legal framework on abortions adopted by the Ministry of Health in 2010, allowing for the non-consensual termination of a pregnancy on the grounds of psychosocial or intellectual impairment.

51. The number of children in institutions has decreased drastically since 2007. Since the implementation of the national strategy and plan of action for 2012-2017 on reforming the residential system of child care, many children, including children with disabilities, have been assessed and reintegrated into families and communities. According to government figures, in 2007, 11,000 children were placed in 65 residential institutions for

children; in 2011, there were 3,808 children in 41 institutions. Many of those remaining in institutions, however, are children with disabilities, who suffer severe abuse of their human rights. In the Orhei institution for boys and young men with disabilities, children are reported to live in inhumane conditions, tied to their chairs for long periods of time, neglected, and with almost no contact with other children or the outside world. They do not participate in activities in the community, and lack access to quality, inclusive education. The Special Rapporteur received numerous reports of inhuman and degrading treatment of children in the facility including physical, mental and sexual abuse, which to some extent was openly acknowledged by the staff during the visit. The Special Rapporteur notes some progress in the deinstitutionalization of boys and young men from the Orhei institution in the context of the Inclusive Community – Moldova project. In 2014, 24 boys residing in the "Boarding house for children with severe mental deficiencies" in Orhei were deinstitutionalized. While the Special Rapporteur welcomes these efforts, she believes that the overall emphasis should be on the immediate closure of the Orhei institution and other similar facilities.

52. The Special Rapporteur urges the Government of the Republic of Moldova to pay urgent attention to the protection and promotion of the rights of persons with disabilities in these institutions by continuing the overall deinstitutionalization process, in accordance with article 19 of the Convention on the Rights of Persons with Disabilities, and taking immediate measures to ensure regular, independent monitoring of such institutions in order to stop and prevent further abuses. The Government should provide sufficient funds for such monitoring and ensure that monitoring and investigative bodies have full access to facilities and documentation at all times.

G. Access to justice

53. The Special Rapporteur found that persons with disabilities face a number of barriers when exercising their human right to access to justice for violations of their rights. Firstly, persons with disabilities are often denied procedural accommodation in court, while the accessibility of court buildings and services themselves remains a serious challenge. The Special Rapporteur received reports that recent major redevelopment works carried out in court buildings failed to take accessibility requirements into account. Secondly, the judiciary does not always have the capacity to recognize and apply the Convention on the Rights of Persons with Disabilities and broader relevant international and national legal frameworks. Thirdly, although according to law the National Legal Aid Council is required to provide free legal assistance to persons with disabilities and to represent them in court, the Council for Preventing and Combating Discrimination and Ensuring Equality has found that pro bono legal aid lawyers often hold deep discriminatory beliefs against persons with intellectual and psychosocial disabilities and therefore fail to provide services of the quality required, thus creating an additional barrier to justice.

54. Persons that are declared incapacitated have no access to justice because of a lack of legal standing; only the person's guardian or the public prosecutor can bring a civil case on behalf of a person deprived of legal capacity to court if there is a public issue at stake. Acting on a petition by the Office of the People's Advocate, on 13 November 2014, the Constitutional Court of the Republic of Moldova issued a decision by which it recognized the rights of persons declared "incapacitated" to lodge complaints with the Office of the People's Advocate, and to request remedies when their decisions are not respected. The decision did not, however, apply to national courts.

55. All of the above-mentioned barriers deter persons with disabilities and their families from reporting human rights abuses, while those who are brave enough to speak out have little or no recourse to justice and remedy. In criminal cases such as those relating to abuse

in institutions, the complaints lodged by persons with disabilities are often not adequately or independently investigated because of prejudice against them, the vested interests of the Government supplying such services, and their lack of legal standing and physical isolation. The Special Rapporteur also received reports of persons with disabilities being pressured to withdraw complaints of abuse in institutions. In such cases, the perpetrators of these crimes avoid prosecution and act with a high degree of impunity, which not only contributes to a cycle of ongoing violence and abuse but also prevents persons with disabilities who have been victims of human rights abuse from gaining any access to remedy or redress.

VI. Transnistrian region of the Republic of Moldova

56. The Special Rapporteur travelled to the Transnistrian region of the Republic of Moldova, and met with the de facto authorities. She also visited a residential institution for children with disabilities in Tiraspol, the newly created rehabilitation centre for children and youth, and the psychiatric hospital in Vyhvatintsi. The Special Rapporteur noted that, while the de facto authorities have not yet committed to the implementation of the Convention, they have a responsibility to promote the rights and well-being of all persons with disabilities of the region.

57. The medical approach to disability is prevalent also in the Transnistrian region of the Republic of Moldova. There are few community-based services for children with disabilities, especially for those with sensory, intellectual or psychosocial disabilities. While children with disabilities may join the mainstream education system, they can, if their performance is not up to expected standards, be transferred to what are known as "correctional educational facilities" or special schools. Furthermore, children considered inapt for special education are may be placed in rehabilitation centres, which have a medical or rehabilitation focus rather than an educational one.

58. In his report of February 2013, the United Nations Senior Expert on Human Rights in Transnistria addressed 13 recommendations to the de facto authorities of the region, including on the adoption of provisions to enable children with disabilities to attend mainstream schools; the development of community-based services; the reform of existing guardianship and legal incapacitation measures; and the drafting and adoption of an anti-discrimination framework. The Special Rapporteur encourages the de facto authorities of the Transnistrian region of the Republic of Moldova to continue its progressive implementation of these recommendations. It is important that they guarantee the right of persons with disabilities to live in the community on an equal basis with others, and the right of children with disabilities to inclusive education in the general school system, regardless of their impairment.

VII. Conclusions and recommendations

A. Conclusions

59. **The Republic of Moldova has undertaken several initiatives to promote and protect the rights of persons with disabilities. The Special Rapporteur commends the State on its efforts to develop a human rights-based approach, including its move away from institutionalization and towards the development of more inclusive educational policies. Nonetheless, a paradigm shift in how persons with disabilities are perceived and a multi-faceted reform programme are both needed to ensure the full protection and promotion of the rights of persons with disabilities, and the realization of their potential to contribute to society.**

60. **The Republic of Moldova must, as the starting point of all sustainable change, move away from the medical model of disability and the limiting and baseless perceptions of persons with disability that stem from it. The Government must ensure that all trace of this approach are eliminated from public policy, legal instruments and social protection services, and engage the media proactively to challenge societal stigma and prejudice. The Republic of Moldova should implement a comprehensive combination of policy, legal and service reforms founded upon a human rights-based approach to disability. Such an approach will empower persons with disabilities and promote their participation in and contribution to society on an equal basis with other citizens.**

B. Recommendations

1. General

61. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) **Ensure adequate monitoring of the situation of persons with disabilities by strengthening its institutional data collection and analysis capacity. The State should, for example, consider increasing the expertise and capacity of the National Bureau of Statistics with regard to disability and demography. As part of its commitment to strengthening its oversight of the situation of persons with disability, the relevant information gathered during the census conducted in 2014 should be processed and analysed promptly;**

(b) **Ensure that all data collected relating to the situation of persons with disabilities are disaggregated at a minimum by sex, age and ethnic origin;**

(c) **Review the normative standards and methodologies currently used for disability determination, with a view to abolishing the current system of disability classification;**

(d) **Train public officials at the national, regional and local levels, including members of the judiciary and the legislature, on the rights of persons with disabilities and the obligations stemming from the Convention on the Rights of Persons with Disabilities, actively involving organizations representative of persons with disabilities;**

(e) **Develop awareness-raising programmes on the rights of persons with disabilities and the value of diversity; theseactivities should include human rights education in the school system, public awareness campaigns and sensitization of the media.**

2. Legal and institutional framework

62. **The Special Rapporteur also recommends that the Republic of Moldova:**

(a) **Conduct a comprehensive legislative review to ensure full harmonization of the national legislative framework with the provisions of the Convention;**

(b) **Ensure the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities;**

(c) **Include the rights of persons with disabilities in all national strategies and plans as both a stand-alone issue and a cross-cutting, integral part of all other human rights issues;**

(d) Ensure that the next national plan of action on human rights, to be adopted after the universal periodic review of the State in 2016, takes into account persons with disabilities and builds upon the recommendations made by international human rights mechanisms;

(e) Reassess the way in which the Council on the Rights of Persons with Disabilities organizes its activities; develop an integral and coherent system of implementation that incorporates all reforms aimed at advancing the rights of persons with disabilities; and ensure that consultation and engagement with persons with disabilities and their representative organizations are integrated into all aspects of the Council's work;

(f) Set up an independent monitoring mechanism in accordance with the Paris Principles and article 33, paragraph 2 of the Convention, and ensure the full participation of civil society, in particular organizations of persons with disabilities, in the monitoring and reporting processes;

(g) Ensure the effective functioning of a national preventive mechanism against torture, in conformity with article 18 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and prioritize monitoring of psychiatric hospitals and residential institutions;

(h) Provide the Council for Preventing and Combating Discrimination and Ensuring Equality with binding powers to sanction discrimination on the grounds of disability, and ensure oversight so that the State authorities responsible implement Council decisions promptly and effectively;

(i) Redouble efforts to strengthen accessibility, including by adopting a comprehensive and time-bound plan of action to ensure holistic accessibility in, inter alia, all public services, infrastructure, transport and the media. Such efforts should be made in close consultation with persons with disabilities and representative bodies;

3. Inclusive education

63. **The Special Rapporteur further recommends that the Republic of Moldova:**

(a) Implement the National Strategy on Education for 2014-2020, and amend the 2014 Code on Education so that it reflects the full transition to inclusive education;

(b) Eliminate all barriers preventing access of children with disabilities to the education system, such as those relating to physical access, transportation and administrative procedures;

(c) Make additional efforts to guarantee access to quality education for deaf, deafblind and blind children, on an equal basis with others;

(d) Invest in inclusive pre-schooling for children up until the age of three years, to combat exclusion;

(e) Develop a systematic method to collect, analyse and disseminate disaggregated data on the inclusion and participation of children with disabilities in the educational sector.

4. Participation

64. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) Review all relevant legislation to ensure that all persons with disabilities, regardless of their impairment, legal status or place of residence, are allowed to vote and participate in public life on an equal basis with other citizens;

(b) Promote the active participation of persons with disabilities in political and public life, providing them with all the support and accommodations required to exercise fully their right to stand for election, effectively to hold office and to perform public functions at any level of government;

(c) Invest in programmes that effectively and sustainably build the capacity of organizations representing persons with disabilities;

(d) Ensure the participation of persons with disabilities and their representative organizations in the development and implementation of legislation and policies that directly or indirectly concern them, including national implementation and monitoring of the Convention on the Rights of Persons with Disabilities.

5. Legal capacity

65. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) Amend the Civil Code to make it consistent with article 12 of the Convention on the Rights of Persons with Disabilities;.

(b) Review, without delay, all cases of legal incapacitation with a view to restoring the legal capacity of the persons concerned;

(c) Encourage a third reading of law No. 87 establishing a right of appeal against guardianship and a right to vote for persons under guardianship in its original text, and promulgate it without further delay;

(d) End practices requesting incapacitation for certain administrative procedures, such as receiving a pension, and expedite the restoration of legal capacity for those persons who had been deprived of it;

(e) Build on existing practices, including the *patronaj* system, as a way to provide access to support in the exercise of legal capacity.

6. Social protection and the right to live independently and be included in the community

66. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) Restore its moratorium on new admissions to institutions, and ensure its effective implementation;

(b) Take all the measures necessary to set up a policy framework to guide deinstitutionalization processes; the framework should include the development of a national strategy and plan of action to facilitate living and inclusion in the community for persons with disabilities. This strategy and plan action should have clear timelines and concrete benchmarks for implementation and evaluation;

(c) Develop a mechanism to redistribute public funds from institutions to community services, and allocate sufficient resources from the central budget for the development of support services in local communities. These local provisions should provide all persons with disabilities, regardless of their impairment, gender or age, with a choice and control over their living arrangements, in accordance with article 19 of the Convention on the Rights of Persons with Disabilities;

(d) **As an integral part of the redistribution of funds, invest in access to social housing, support services and personal assistance as a way of promoting living and inclusion in the community for persons with disabilities; allocate resources to social housing in communities for persons returning from institutions; and increase the number of universally designed residences;**

(e) **Include support for families with a member who has a disability in broader efforts to develop more community-based support services, to give families an alternative to institutionalization;**

(f) **Develop a clear strategy to ensure coherence in the establishment of services at the local level and of local accountability mechanisms, to avoid the risk of certain services for persons with disabilities being discontinued because of competing priorities or budget constraints;.**

(g) **Reform disability benefits in order to promote independence and social inclusion of persons with disabilities, eliminating any provision or condition that may affect other human rights and fundamental freedoms.**

7. **Deprivation of liberty on the basis of disability, and abuses in institutions**

67. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) **In accordance with its obligations under article 14 of the Convention on the Rights of Persons with Disabilities, immediately stop the deprivation of liberty of persons with disabilities on the basis of an actual or perceived disability, and take prompt action to revise the legal provisions that currently allow detention on mental health grounds or in mental health facilities;**

(b) **Immediately halt any coercive intervention or treatment in mental health or any other settings without the free and informed consent of the persons concerned;**

(c) **Take immediate measures to protect persons with disabilities, including children, who remain institutionalized, and to eliminate any risk of exploitation, violence or abuse;**

(d) **Develop a comprehensive and effective monitoring system to prevent all forms of exploitation, violence and abuse against persons with disabilities, including children who remain institutionalized;**

(e) **Promptly and thoroughly investigate and prosecute any case of human rights abuse alleged by persons with disabilities and/or their families, whistle-blowers and/or revealed by regulatory bodies;**

(f) **Develop a comprehensive programme of human rights training for all staff members in institutions;**

(g) **Ensure that women with disabilities are able to enjoy their right to sexual and reproductive health, including through the repeal of legislation that allows for the non-consensual termination of pregnancy.**

8. **Access to justice**

68. **The Special Rapporteur recommends that the Republic of Moldova:**

(a) **Ensure that any case of abuse, in particular in institutions accommodating persons with disabilities, is promptly prosecuted and that victims receive effective legal remedy; and provide urgent legal remedy for victims of cases of serial sexual abuse in Balti;**

(b) **Ensure effective remedies and redress for persons with disabilities that have been victims of human rights violations in institutions;**

(c) **Repeal all provisions that deny access to justice to persons with intellectual and psychosocial disabilities;**

(d) **Amend legislation to expressly provide for procedural and age-appropriate accommodation for persons with disabilities;**

(e) **Incorporate training on the Convention on the Rights of Persons with Disabilities into the curricula of all training programmes for law enforcement bodies and the National Institute of Justice, ensuring the active involvement of organizations of persons with disabilities in its design and implementation;**

(f) **Make legal aid available to all persons with disabilities, without discrimination, to ensure their access to legal counsel;**

(g) **Make all legislation and procedural documents available in accessible formats.**

9. International cooperation and assistance

69. **International development partners, including the European Union, the World Bank, bilateral donors and others should support the reform efforts of the Republic of Moldova to achieve compliance with the Convention on the Rights of Persons with Disabilities. It is particularly important that large transformations related to the transition from institution-based treatment to community-based support receive support.**

70. **International cooperation partners, including those within United Nations system, should include the rights of persons with disability as a priority and consider the development of a coordination mechanism to ensure the maximum efficiency and impact of international support when resources are scarce.**

71. **The United Nations and the development community should support the Government of the Republic of Moldova in its transition towards a rights-based approach through technical support and by facilitating access to international initiatives and good practices.**

72. **The United Nations system should provide the Republic of Moldova with technical assistance and support to strengthen its data collection, analysis and monitoring capacity.**